

**DURHAM, NORTH CAROLINA
MONDAY, MAY 3, 2004
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Absent: None.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

Mayor Bell read the following proclamations: National Women's Health Week, Mental Health Month and Drinking Water Week. Also, the Mayor presented certificates to the 2004 Water Conservation Poster Contest Winners: K-2: 1st Place – Erika Jara; 2nd Place – Jorge Campos; 3rd Place – Cesar Vargas. Grades 3-5: 1st Place - Christina Hannah, 2nd Place - Grace Diver; 3rd Place – Jose Banuelos. Grades 6-8: 1st Place – Mirian Orinda & Xiao Song; 2nd Place - Dylan Britt; 3rd Place - Megan Ashworth & Julia McEwen.

Mayor Bell reported on two awards the City received during his recent attendance at the National Conference of Black Mayors meeting in Philadelphia. He congratulated Jeremy Burnette, a Hillside High School senior, for winning a \$1,000 scholarship and the Police Department for winning \$5,000 for the Mayors' Challenge to Buckle Up America campaign. Then, he made comments on the new cable program, TV One, urging staff during their negotiations with Time Warner to see if they would be willing to include this as one of our broadcast channels.

Council Member Clement noted Cathy Wright Moore will be sponsoring a Seniors Helping Seniors fundraiser on Saturday, May 8 to help re-open the beauty salon at J. J. Henderson Towers. Also, he thanked the Parks & Recreation Department and sponsors for their involvement during the Senior Games held April 20-30, 2004 .

Council Member Catotti made comments on the police graduation ceremony she attended on Friday. Also, she requested Items 26, 35 and 36 be moved to the beginning of the agenda.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner noted a presentation will be given on GBA #31 [Housing Rehabilitation Update], added Supplemental Item #54 [Modification of Agreement – Fire Department & State Department of Crime Control] to the agenda and provided the following: 1) a revised handout for Consent #12 [Façade Grant Program]; 2) additional information requested by Council for Consent #16 [2004-05 Consolidated Action Plan];

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3) contract for Consent #19 [Gattis Street]; 4) additional information for GBA #34 [Zoning Ordinance Text Change – Sign Standards]; and 5) ordinance for GBA #42 [Major Special Use Permit – Durham County North Branch Library].

MOTION by Council Member Clement seconded by Council Member Stith to accept the City Manager's priority items was approved at 7:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

There were no priority items from the City Attorney.

City Clerk Gray informed Council that a valid protest petition has been filed against GBA #36 [Rezoning Case P03-72 – Harmony Road].

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Items #11 [Carolina Theatre Reimbursement]; #12 [Amendment to Façade Grant Program]; #13 [Workforce Investment Act Strategic Plan]; #15 [Recreation Centers HVAC Upgrades & Pool Packs Replacement]; #16 [FY 2004-05 Consolidated Action Plan]; #17 [TROSAs – Nation Avenue Project]; #18 [UDI/CDC Subrecipient Agreement]; #20 [Riverside High School Buildings]; #21 [Excellence by Choice, Inc.]; #22 [Walltown Recreation Center]; #23 [Adequate Public Schools Facility Policy]; #25 [Pavement Condition Survey]; #32 [Re-Entry Hiring Program]; #50 [TROSAs – HOME & 1996 Housing Bond Funding Programs]; #52 [Fayetteville Road Widening] and #53 [607 Canal Street Update].

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to approve the Consent Agenda as amended was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: HUMAN RELATIONS COMMISSION – RECEIPT AND ACCEPTANCE OF AN APPLICATION

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive and accept an application to fill one (1) vacancy for an Other Racial Minority Member - Female with a term to expire on June 30, 2006 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM DESIGN REVIEW TEAM - REAPPOINTMENT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to reappoint Caleb A. Southern to the Durham Design Review Team to represent

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the category of Resident with a term expiring January 31, 2006 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: MULTI-JURISDICTIONAL ADVISORY BOARD – RECEIPT AND ACCEPTANCE OF AN APPLICATION

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive and accept an application for a citizen to fill one (1) vacancy on the Multi-Jurisdictional Advisory Board for a community representative with a term to expire April 1, 2007 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM CITY-COUNTY APPEARANCE COMMISSION – RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive and accept applications to fill one (1) vacancy on the Durham City-County Appearance Commission with a term to expire on April 1, 2007 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: BOND COUNSEL REQUEST FOR QUALIFICATIONS (RFQ)

To authorize the City Manager to conduct an RFQ process for Bond Counsel in consultation with the City Attorney.

Note: This item was approved at the 4/22/04 Work Session with a vote of 7/0.

SUBJECT: LICENSE AGREEMENT WITH REVEILLE, LLC AND THE PARK AT SOUTHPOINT NON-RESIDENTIAL PROPERTY OWNERS ASSOCIATION, INC. - AUDUBON LAKE DRIVE AND JOHNSON VICTORY CIRCLE

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to authorize the City Manager to enter into a License Agreement with Reveille, LLC and The Park at Southpoint Non-Residential Property Owners Association, Inc. for the purpose of permitting irrigation lines, private landscaping, private signs, and special street paving within its portion of the right-of-way of Audubon Lake Drive and Johnson Victory Circle was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell,

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Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: WATER & SEWER EXTENSION AGREEMENT WITH
WILLWOOD, L.L.C. - STRAWBERRY FIELDS TOWNHOUSES**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to authorize the City Manager to enter into a water and sewer extension agreement with Willwood, L.L.C. to serve Strawberry Fields Townhouses was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: WATER & SEWER EXTENSION AGREEMENT WITH DURHAM
COUNTY HABITAT FOR HUMANITY, INC. - JUNCTION ROAD
SUBDIVISION**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to authorize the City Manager to enter into a water and sewer extension agreement with Durham County Habitat for Humanity, Inc. to serve Junction Road Subdivision was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: WATER & SEWER EXTENSION AGREEMENT WITH THOMAS
M. TAYLOR AND WIFE, VARA D. TAYLOR, INDIVIDUALS -
RIDGEFIELD, PHASE 9**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to authorize the City Manager to enter into a water and sewer extension agreement with Thomas M. Taylor and wife, Vara D. Taylor, Individuals, to serve Ridgefield, Phase 9 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: NORTH DURHAM WATER RECLAMATION FACILITY –
DIGESTER GAS STORAGE FACILITIES - CRAIN AND DENBO,
INC.**

To adopt the Capital Project Ordinance Amendment allocating funds to complete the funding for construction of the NDWRF Digester Gas Storage Facility; and

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To authorize the City Manager to execute a contract with Crain and Denbo, Inc. for the NDWRF Digester Gas Storage Facility Project, in the amount of \$1,394,400; and

To establish a contingency fund for the NDWRF Digester Gas Storage Facility contract of \$69,720; and

To authorize the City Manager to execute any necessary Change Orders for the NDWRF Digester Gas Storage Facility contract provided the total cost of all change orders does not exceed \$69,720 and that the total project cost does not exceed \$1,464,120.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to refer this item back to the administration was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: GATTIS STREET DEVELOPMENT – SINGLE FAMILY
HOMEOWNERSHIP PROJECT - \$800,088 – 1996 HOUSING
BONDS AND HOME FUNDS – SELF-HELP COMMUNITY
DEVELOPMENT CORPORATION - DURHAM COMMUNITY
LAND TRUSTEES - 802, 806, 809, 810, 812, 813, 814, 815, 817, 820,
823 AND 830 GATTIS STREET AND CARROLL STREET
(VACANT PARCEL 0821-10-46-5745)**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to adopt a resolution authorizing the sale of surplus real property by private sale to Self Help Community Development Corporation, restricting the property to use for affordable housing; and

To authorize the City Manager to determine and find that funds for the Gattis Street development project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions; and

To execute a Grant Agreement with Self Help Community Development Corporation in an amount not to exceed \$124,535, funded from 1996 Housing bond funds, for the purpose of providing site development and marketing activities; and

To execute a Reservation of Funds Agreement with Durham Community Land Trustees in an amount not to exceed \$150,000 funded from 2003-2004 HOME funds for the purpose of providing second mortgage assistance to First Time Homebuyers; and

To execute a Construction Loan Agreement for the purpose of providing construction financing for the construction of (5) units with the Durham Community Land Trustees in an amount not to exceed \$451,513 from 1996 Housing Bond funds and execute a deed of trust and promissory note; and

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To make changes to the Construction Loan Agreement and other related loan closing documents as are consistent with the loan terms presented in this agenda item memo, the Housing Bond Program requirements approved by City Council, and the general intent of the documents as approved by City Council was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Resolution #9102

SUBJECT: AUTHORIZATION FOR THE USE OF FEDERAL ASSET FORFEITURE FUNDS IN THE AMOUNT OF \$82,500 TO ENHANCE OPERATIONS AND ENFORCEMENT ACTIVITIES IN THE DURHAM POLICE DEPARTMENT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to authorize the Durham Police Department to use Federal Asset Forfeiture Funds in the amount of \$82,500 to address each of the identified concerns associated with operations and enforcement efficiency and effectiveness in the Police Department was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: MANAGED COMPETITION – CEMETERY OPERATIONS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive a presentation on recommendations for the Managed Competition Pilot - Cemetery Operations was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM STATION

To receive a presentation on the Durham Station; and

To authorize the City Manager to reject all bids and rebid.

Note: This item was approved at the 4/22/04 Work Session with a vote of 7/0)

SUBJECT: REDEVELOPMENT STRATEGY FOR THE BARNES AVENUE AREA

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MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive an update on the Redevelopment Strategy for the Barnes Avenue Area was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: VACANT PROPERTY SURVEY

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive a presentation on the Vacant Property Survey was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: PLANNING COMMISSION 2003 ANNUAL REPORT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive the Annual Report of the Planning Commission was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: SUN SPACE, LTD.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive comments from Freeman Ledbetter regarding the sewer frontage fees of \$4,400 for 1609 Morelano Avenue; and

To refer this item to the June 10, 2004 City Council Work Session was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: ISAAC WOODS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive comments from Isaac Woods on the Creekside sewer line system for adjacent black homeowners; and

To refer this item to the May 20, 2004 City Council Work Session was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: JOHN GRAVES

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MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive comments from John Graves on the conditions of South Woodcrest Street was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: MUHAMMAD ABDALLAH

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive comments from Muhammad Abdallah on locations for Hot Food Vendors; and

To refer this item to the May 20, 2004 City Council Work Session was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: SMALL BUSINESS AND DOWNTOWN & COMMERCIAL
REVITALIZATION LOAN PROGRAMS**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive a presentation on the Small Business and Downtown & Commercial Revitalization Loan Programs was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: CONTRACT M.04.1 RIGHT OF WAY TRACTOR MOWING AND
LITTER AND DEBRIS REMOVAL - BRITT SERVICES, INC.**

To authorize the City Manager to execute a contract with Britt Services, Inc. for Contract M.04.1 Right of Way Tractor Mowing and Litter and Debris Removal in the amount of \$1,156,937.55; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to refer this item back to the administration was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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At this time during the meeting discussion was held on GBA #31 [Housing Rehabilitation Update] and #26 [Apex Street Bridge].

SUBJECT: HOUSING REHABILITATION UPDATE

Donald Ham, of Housing & Community Development, showed a videotape that aired on WTVD concerning this item. He gave a power point presentation on the Housing Rehabilitation program highlighting the following: goals, minor repair program; rehab mortgage loan program; handicap accessibility rehab program; lead abatement program; 2003-04 rehab budget; qualification documents; 2004 median family income chart; 2003-04 rehab; rehab process production and program challenges. Also, he noted the administration will provide guidelines at the June 10, 2004 City Council Work Session.

MOTION by Council Member Clement seconded by Council Member Catotti to receive a presentation on the Housing Rehabilitation Program was approved at 8:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: N.C. DEPARTMENT OF TRANSPORTATION MUNICIPAL AGREEMENT APEX STREET BRIDGE REPLACEMENT PROJECT B-4698 (CITY ATLAS PAGE 62, BLOCK C-1)

To adopt a resolution authorizing the City Manager to execute a Municipal Bridge Agreement for Project B-4698 Apex Street Bridge Replacement.

Public Works Director Katie Kalb made comments on municipal agreement for the Apex Street Bridge.

Andy Seamans, President of Forest Hills Neighborhood Association, requested that the decision to fund repairs to the Apex Street bridge be delayed until careful evaluations can be made about the impact of re-opening the bridge to vehicle traffic and urged Council to delay its decision for 30-60 days until full information can be examined and disclosed. He noted the neighborhood will need time to understand the benefit and cost-effectiveness of committing to \$120,000, Council should postpone this decision until Public Works and Parks & Recreation can coordinate their activities around the Apex Street Bridge [pedestrian traffic], noted neighborhood is requesting an independent analysis with the Durham Police Department and Risk Manager to see if crime has decreased and if the decline was the result of closing the Apex Street Bridge to vehicle traffic. Finally, he urged Council to postpone tonight's vote to enable City officials from various departments to work with both neighborhoods [Forest Hills and St. Teresa] to create a mutually accepted vision for inter-connection and for the peaceful coexistence between cars and pedestrians in our neighborhood.

Beart Truitt-Braswell, of 2005 Otis Street, spoke in support of this item. She provided Council with a packet of information and noted Council passed this item October 1, 2001

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that the Apex Street Bridge be repaired. She made comments on the purpose of the bridge, why has it taken so long for the Public Works Department to get the bridge repaired at only \$10,000, expressed concern that it's 2001 and the bridge hasn't been repaired and that the Public Works Department did not contact NCDOT until January 2004. She urged Council to repair bridge because the community cannot wait another four or five years.

Public Works Director Katie Kalb made comments on the State bridge program at NCDOT. She noted this project has been under negotiations for sometime and due to a NCDOT staff shortage-- they have been unable to do the project management and design on this bridge so the agreement before Council tonight requires the City to do that work.

Also, Katie Kalb noted staff was looking at the \$10,000 to assess the condition of the lead paint issue and to make minor patching and repairs that were done in 2001. She stated the bridge is safe for pedestrian/bicycle traffic and not for vehicle traffic.

Mayor Pro Tempore Cole-McFadden noted she would be willing to meet with neighborhood representatives [Andy Seamans and Beart Truitt-Braswell] concerning this matter.

Raj Morey, of Forest Hills Neighborhood, noted the issues involving the monetary costs and traffic are real issues noted by Mr. Seamans, but fear concerns are just a smokescreen for the real issue of the segregation of neighborhoods.

The Mayor invited Mr. Morey to participate in the meeting with other representatives.

MOTION by Council Member Stith seconded by Council Member Brown to allow Mayor Pro Tempore Cole-McFadden to meet with representatives from the Forest Hills and St. Teresa neighborhoods and to bring a recommendation to the May 20, 2004 City Council Work Session was approved at 8:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA – PUBLIC HEARING]

SUBJECT: LAND USE PLAN AMENDMENT (A04-03) – ALSTON AVENUE/ED COOK ROAD - CYPRESS TREES DEVELOPERS, LLC C/O PHIL LAYTON - SOUTH OF RUSTICH DRIVE, NORTH OF SOHI DRIVE AND BETWEEN S. ALSTON AVENUE AND ED COOK ROAD

To receive public comment on the Alston Avenue/Ed Cook Road Plan Amendment; and

To adopt a Resolution to change the Land Use designation on the Future Land Use Map of the South Central Durham Plan from Industrial to Medium Density Residential.

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Planning Department Recommendation: Approval

Planning Commission Recommendation: Denial (13-0)

City/County Planning Director Frank Duke briefed Council on the staff report. He noted on page 2 under staff analysis and conclusion, it should read the request is inconsistent with Land Use Policy 1 of this plan. He stated proposal is consistent with the South Central Durham plan, commented on road and school capacity and noted staff is recommending approval and the Planning Commission recommended denial based primarily on the proposed removal of the industrial designation. Also, he made comments on the analysis of the Adequacy of Industrial Supply.

Mayor Bell opened the public hearing.

Craigie D. Sanders, representing the applicant, spoke in support of this plan amendment. He outlined why Council should grant this change noting good supporting principles support this change, site is in close proximity to Research Triangle Park and Planning Department recommends change based on recent study of Durham's industrial property as part of the comprehensive plan process. Also, he noted the Planning Department Study, as endorsed by the Citizens' Steering Committee, states that the change of this area to residential will not negatively effect the future industrial supply of property in Durham. Also, he provided Council with a petition signed by property owners as well as a 2003 timeline of notifications and meetings conducted by the applicant.

Dorothy Hicks, of 1308 Ed Cook Road, spoke in support of this plan amendment.

Ray Palmer, of 2203 So Hi Drive, spoke in favor of this item noting this proposal supports the small area plan of having affordable housing in our vicinity and would increase the City's revenue and tax base.

Ed Sears, of 2638 S. Alston Avenue, spoke in support of this item noting this proposed development would be an asset to the community and urged Council to support the developer's proposal. Also, 42 citizens stood in support of this item.

Julie Tyson, of 1534 Ed Cook Road, spoke in opposition to this plan amendment expressing density concerns. Also, she read a letter from neighborhood residents noting opposition due to density and the burden that this proposal would place on fire and police personnel.

LaVonnia Allison, of 1315 McLaurin Avenue, spoke in opposition to this plan amendment since the Planning Commission denied this request.

Craigie Sanders, representing the applicant, made comments on the study and noted this will be a single-family and medium density project.

Mayor Bell declared the public hearing closed.

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MOTION by Council Member Stith seconded by Council Member Best to receive public comment on the Alston Avenue/Ed Cook Road Plan Amendment; and

To adopt a Resolution to change the Land Use designation on the Future Land Use Map of the South Central Durham Plan from Industrial to Medium Density Residential was approved at 9:11 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Brown, Clement and Stith. Noes: Mayor Pro Tempore Cole-McFadden and Council Member Catotti. Absent: None.

Resolution #9103

SUBJECT: REZONING MATTER CASE P03-72 – HARMONY ROAD – FIRST AMERICAN LAND – HARMONY ROAD AND ARDMORE DRIVE, SOUTHEAST OF S. ROXBORO STREET, NORTH OF MORNINGSIDE DRIVE, WEST OF TALL OAKS DRIVE, SOUTH OF GREYFIELD BOULEVARD

To receive public comment on rezoning Case P03-72 (Harmony Road); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-72 out of R-20; F/J-B and placing same in and establishing same as PDR 3.31; F/J-B.

Planning Department Recommendation: Approval

Zoning Committee Recommendation and Vote: Approval - (3-2)

Note: Valid Protest Petition was filed against this rezoning.

City/County Planning Director Frank Duke briefed Council on the staff report highlighting committed elements on page 2. He noted this proposal is consistent with the South Durham Plan, staff is recommending approval and Zoning Committee recommended approval.

Mayor Bell opened the public hearing.

Proponents

Jack Markham, representing the applicant, spoke in support of this item requesting a 60-day deferral to work out some of the issues and to come back with a plan that is more acceptable to the neighborhood.

Jackson Mayo, of 208 Harmony Road, spoke in support of this rezoning request urging Council to vote yes.

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Russell Harrell, of 7 Plowlan Court, spoke in support of this rezoning case and urged Council to consider rezoning the land to allow for the development that is consistent with the surrounding community.

Opponents

Beth O'Brien, of 4 Leeward Court, spoke in opposition to this rezoning. She made a power point presentation on this rezoning highlighting the following: The community affected, points of opposition, inconsistent with neighborhoods, Taylor Estates, Stowecroft in Raleigh, Lake Hogan Farms in Carrboro, overcrowding of Southwest Elementary, traffic congestion and safety, two proposed entrances and errors in Zoning staff report. [See handout provided]. She noted proposal violates the South Durham Plan and urged Council to vote no on this rezoning.

Ken Hreschak, of 7 Leeward Court, spoke in opposition to the rezoning. He urged Council to consider the lives of the residents of Woodcroft, Hope Valley Farms and Harmony Road in making a decision by voting no to the Harmony Road project.

Bill Watkins, of 511 Tall Oaks Drive, spoke in opposition to this rezoning citing public safety and flooding concerns.

Tom Pugh, of 6 Brightleaf Court, expressed safety and school capacity concerns.

Rebuttal

Jack Markham, representing the applicant, made comments on the deferral.

Council Member Catotti expressed concern with the deferral.

MOTION by Council Member Best seconded by Council Member Clement to continue the public hearing to the August 2, 2004 City Council Meeting **FAILED** at 9:49 p.m. by the following vote: Ayes: Council Members Best, Clement and Stith. Noes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown and Catotti. Absent: None.

A motion was made by Council Member Best seconded by Council Member Clement to continue the public hearing to the June 21, 2004 City Council Meeting.

SUBSTITUTE MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive public comment on rezoning Case P03-72 (Harmony Road); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-72 out of R-20; F/J-B and placing same in and establishing same as PDR 3.31; F/J-B **FAILED** at 9:53 by the following vote: Ayes: None. Noes: Mayor Bell, Mayor Pro Tempore Cole-

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McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Absent: None.

[ITEMS PULLED FROM CONSENT AGENDA]

SUBJECT: PROFESSIONAL DESIGN SERVICES FOR WALLTOWN RECREATION CENTER

Beth Timson, of the Parks & Recreation Department, made comments on this item.

Council held discussion on CIP projects.

Council Member Brown expressed concern with this process since there is a citizens group analyzing CIP projects.

City Manager Conner provided background information on this item. She noted citizens of Walltown gave up their community development block grant funds to be reallocated for other priority projects that were ready to go to allow the City to meet their spending ratio.

Mayor Pro Tempore Cole-McFadden spoke in support of this item.

Council Member Catotti noted she supports a recreation center for Walltown and NECD; however, she expressed concern with this item not moving through the CIP process.

MOTION by Council Member Clement seconded by Council Member Stith to adopt the Capital Project Ordinance amendment re-allocating \$300,000 from the West Chapel Hill Road Park project to a project to fund professional design services for a recreation center in Walltown was approved at 10:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Clement and Stith. Noes: Council Members Brown and Catotti. Absent: None.

Ordinance #12940

MOTION by Council Member Best seconded by Council Member Catotti to extend the meeting beyond 10:00 p.m. was approved at 10:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

The following individuals spoke in support of this item: Steve Hopkins, Audrey Mitchell, Ronika Daye, Dominique Blue, LaVonnia Allison, Ernestine Hooker, Risa Foster, Dennis Jones, Gladys Jones and Shirley Payton.

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SUBJECT: CAROLINA THEATRE REIMBURSEMENT FOR LOST REVENUE

Connie Campanaro, representing the Carolina Theatre, made comments in support of this item.

Steve Hopkins, of 920-B Wadesboro Street, expressed concern with this item.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to make a payment to The Carolina Theatre of Durham, Inc. in the amount of \$46,385 as a grant to offset operating losses that occurred as a result of the closure due to building repairs was approved at 10:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: AMENDMENT TO THE CITY OF DURHAM FAÇADE GRANT PROGRAM AND GUIDELINE APPROVED BY CITY COUNCIL ON NOVEMBER 3, 2003

Mayor Pro Tempore Cole-McFadden expressed concern with the grant amount. She made comments on the administration holding the \$3,000 amount.

MOTION by Council Member Clement seconded by Council Member Stith to approve the amendment to the program and guidelines of the City of Durham Façade Grant Program was approved at 10:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: WORKFORCE INVESTMENT ACT STRATEGIC PLAN CONTRACT - CENTER FOR REGIONAL ECONOMIC COMPETITIVENESS

Mayor Pro Tempore Cole-McFadden expressed concern with the vendor's workforce statistics.

Steve Hopkins, of 920-B Wadesboro Street, expressed concern with this item.

Victoria Peterson made comments on firms not hiring local citizens and individuals with criminal records.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute a contract with Center for Regional Economic Competitiveness in the amount of \$60,000; and

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To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by the City Council was approved at 10:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: RECREATION CENTERS HVAC UP GRADES AND POOL PACKS REPLACEMENTS - WITH SOUTHERN PIPING COMPANY - EDISON JOHNSON, E.D. MICKLE AND CAMPUS HILLS RECREATION CENTERS

Steve Hopkins, of 920-B Wadesboro Street, expressed concern with the amount of money being spent.

To authorize the City Manager to enter into a contract with Southern Piping Company in the amount of \$623,444, with a contingency of \$77,931, to upgrade HVAC Systems and replace Pool Packs at Edison Johnson, E.D. Mickle and Campus Hills Recreation Centers; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by the City Council.

Note: This item was approved at the 4/22/04 Work Session with a vote of 7/0.

SUBJECT: FY 2004-2005 CONSOLIDATED ACTION PLAN APPROVAL

Mayor Bell requested that his vote be severed to abstain from voting on UDI, CDC.

LaVonnia Allison made comments on the imbalance between the number of projected households to be served that are rental units as oppose to homeownership units.

Victoria Peterson expressed a concern about receiving a letter in the mail after the meeting date for the public hearing. She urged Council to reconsider her application for \$97,000.

MOTION by Council Member Stith seconded by Council Member Clement by to adopt the FY 2004-2005 Consolidated Action Plan for submission to the U.S. Department of Housing and Urban Development (HUD); and

To authorize the City Manager to execute all administrative requirements and contractual documents necessary for implementation of the Consolidated Action Plan to include all Community Development Block Grant and HOME Investment Partnership (HOME)

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Program agreements and other Consolidated Action Plan documents listed in Attachments A, B and C was approved at 10:59 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Note: Mayor Bell abstained from voting on UDI, CDC.

Attachment A

2004 –2005 CDBG APPLICANTS

Name	Amount Recommended
Center for Employment and Training	\$ 55,000.00
Development Ventures Inc.	\$ 40,150.00
Durham Affordable Housing Coalition	\$ 30,000.00
Turning Point-Durham City Police	\$ 55,000.00
NECD/Durham County DSS	\$ 28,000.00
Genesis Home	\$ 51,826.00
Good Work, Inc.	\$ 55,000.00
Historic Preservation	\$ 30,000.00
Housing for New Hope	\$ 60,000.00
Operation Breakthrough	\$ 75,000.00
The Community Builders	\$ 150,000.00
TROSA	\$ 148,000.00
UDI CDC	\$ 55,000.00
Women In Action	\$ 20,000.00
Woodland Associates	\$ 270,000.00
Birchwood Community Center	\$ -
Consumer Credit Counseling	\$ -
Durham Community Land Trustees	\$ -
Durham Community Land Trustees	\$ -
Durham County DSS	\$ -
Durham Regional CDC	\$ -
Habitat for Humanity	\$ -
Healing With CAARE, Inc.	\$ -
JRUTH, Inc.	\$ -
Paul Irving	\$ -
Triangle Citizens Rebuilding Communities	\$ -
Youth Life Foundation of the Triangle	\$ -
Total	\$ 1,122,976.00

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2004-2005 HOME APPLICANTS

Organization Name	Amount Recommended
AIDS Community Residence Association, Inc.	\$ 150,000.00
Meriwether Spring Housing	\$ 200,000.00
The Community Builders	\$ 200,000.00
Total	\$ 550,000.00

Attachment B

FY 2004-2005

City of Durham

Community Development Block Grant (CDBG) Program

Preliminary Recommendations

3-16-04

Projected Revenues	
HUD Annual Allocation	\$2,304,000
Program Income	\$ 120,000
Total Projected Revenues	\$2,424,000
Projected Expenditures	
Administrative Costs (20% Cap)	\$ 484,800
2004-2005 Grant Awards	\$ 1,122,976
Calvary Ministries	\$ 100,000
Barnes Avenue	\$ 153,000
AKA Project	\$ 30,000
Opportunity Fund	\$ 35,000
Emergency Repair Program	\$ 50,000
Code Enforcement	\$ 322,560
Neighborhood Services	\$ 125,000
Total Projected Expenditures	\$ 2,423,336

Attachment C

FY 2004-2005

Durham City-County HOME Consortium
HOME Investment Partnership (HOME) Program

Preliminary Recommendations

3-16-04

Projected Revenues	
HUD Annual Allocation	\$1,387,850
Program Income	\$ 120,000
Total Projected Revenues	\$1,507,850
Projected Expenditures	
Administrative Costs (10% Cap)	\$ 150,000
2004-2005 Grant Awards	\$ 550,000
Substantial Homeowner Rehabilitation	\$ 307,850
First-Time Homebuyers Program	\$ 400,000
County Initiative	\$ 100,000
Total Projected Expenditures	\$1,507,850

SUBJECT: TROSA – NATION AVENUE PROJECT

To authorize the City Manager to execute an agreement with TROSA in an amount not to exceed \$276,700 from the 1996 Housing Bond Funds for the development of Nation Avenue; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement.

Shannon Pittman, of Housing & Community Development, made comments on this item.

Mayor Bell made comments on the bond funds. He noted the City should be able to recoup some of the money that is being given out for projects.

Shannon Pittman noted the Housing Department's goal is to not bring any zero percent loans before the City Council.

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City Manager Conner noted the administration will revisit the policy.

Steve Hopkins, of 920-B Wadesboro Street, spoke in support of TROSA. He noted TROSA does excellent rehab work and should do some services for the City since we are helping them so generously on a lot of their projects.

Kevin McDonald, representing TROSA, spoke in support of this item.

LaVonia Allison made comments on the bond usage.

Victoria Peterson noted TROSA's moving business and other businesses they offer are in competition with the small businessperson and expressed concern with funding non-profits.

Shannon Pittman read for the record staff's recommendation: To authorize the City Manager to execute an agreement with TROSA in an amount not to exceed \$276,700 from the 1996 Housing Bond Funds for the development of Nation Avenue; and

To authorize the City Manager to make changes to the loan agreement and/or other necessary documents as long as the changes do not increase the dollar amount of the loan and remain consistent with the general intent of the City's 1996 Housing Bond Funds program and with this agenda item.

City Attorney Blinder noted there is an additional finding that Council should make on this item and #50 [TROSA]: To authorize the City Manager to determine and find that funds for the Nation Avenue project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions.

MOTION by Council Member Stith seconded by Council Member Clement to authorize the City Manager to execute an agreement with TROSA in an amount not to exceed \$276,700 from the 1996 Housing Bond Funds for the development of Nation Avenue; and

To authorize the City Manager to determine and find that funds for the Nation Avenue project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions; and

To authorize the City Manager to make changes to the loan agreement and/or other necessary documents as long as the changes do not increase the dollar amount of the loan and remain consistent with the general intent of the City's 1996 Housing Bond Funds program and with this agenda item was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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**SUBJECT: SUBRECIPIENT AGREEMENT – UDI COMMUNITY
DEVELOPMENT CORPORATION FOR SIX MONTH
OPERATIONS COST SUPPORT OF SMALL BUSINESS
INCUBATOR CENTER**

Mayor Bell excused himself from the discussion on this item.

Victoria Peterson expressed concern with the City funding the same programs.

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to authorize the expenditure of CDBG funds in an amount not to exceed \$50,000; and

To authorize the City Manager to execute a subrecipient agreement with UDI Community Development Corporation to assist in the operating of a small business incubator center (the “Center”) to assist clients earning less than 80% of the Area Median Income; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement was approved at 11:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Abstention: Mayor Bell. Absent: None.

**SUBJECT: CAPITAL PROJECT ORDINANCE AMENDMENT FOR
RIVERSIDE HIGH SCHOOL BUILDINGS**

Beth Timson, of the Parks & Recreation Department, made comments on this item.

LaVonnia Allison spoke in support of this item and urged the administration to monitor the maintenance and repairs of this project.

MOTION by Council Member Catotti seconded by Council Member Stith to adopt the Capital Project Ordinance amendment to make funds available for the construction of the storage / restroom / concession buildings at Riverside High School by transferring \$122,218 from the Red Maple playground renovation to the School Lighting and Storage Improvements project was approved at 11:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #12939

SUBJECT: ADEQUATE PUBLIC SCHOOLS FACILITY POLICY

May 3, 2004

Council held discussion on the school transfer policy, school growth issue and capacity level.

MOTION by Council Member Brown seconded by Mayor Pro Tempore Cole-McFadden to adopt the Adequate Public Schools Facilities Policy was approved at 11:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

DURHAM CITY/COUNTY ADEQUATE SCHOOL FACILITIES POLICY

STATEMENT OF POLICY

The schools in the Durham Public School System should not be required to exceed their maximum building capacity as a result of increases in student population that result, in part, from changes in the official Zoning Map of the City and County that do not adequately address the impact on school facilities. To that end, zoning atlas amendments that propose to allow an increase in the density of residential development on any parcel of land should be carefully analyzed with regard to the projected student impact, using procedures agreed to by the City, the County, and the Durham Public Schools. In addition, when the effect of any zoning atlas amendment is projected to cause the Durham Public Schools to exceed their maximum building capacity, as defined herein, the Durham City Council states its position that it does not promote the health, safety, or general welfare of the community to approve such request, in the absence of countervailing factors relating to the health, safety, or general welfare that are deemed by the City Council to override the serious and deleterious impact of overcrowded schools. The adoption by the Durham Board of County Commissioners of a school impact fee will help address the impact on educational facilities caused by new development; however, the Board of County Commissioners have stated that the impact fees the Board has adopted do not fully pay for the local cost of providing physical capacity to meet the needs of students generated by new development. Therefore, notwithstanding the adoption of school impact fees, a policy regarding the impact of rezoning on school system capacity is needed.

The application of the policy is intended to be advisory to the City Council, with the City Council reserving its inherent discretion as a governmental body to consider each request for rezoning property on its merits, giving full consideration to all factors related to the health, safety, and welfare of the community, as it is required by law to do. In addition, the City Council reserves its right to modify this policy at any time if it is necessary to more adequately or appropriately address the rezoning process and the relationship between rezonings and school impact.

DEFINITIONS

Building Capacity: The design capacity of the buildings (without trailers) located on a campus within the Durham Public School System. Building capacity does not reflect campus capacity, which includes students in mobile classrooms.

Density: A measure of the intensity of residential development, considering the number of dwelling units per acre on any site.

Level of Service (LOS): The measure of the utilization, expressed as a percentage, which is the result of comparing the number of students enrolled in the school system at all schools of each type with the total building capacity of all schools of each type.

Maximum Building Capacity: The level of service that may be permitted in the Durham Public School System: 120% of total building capacity.

Residential Development: Any development that is comprised in whole or in part of dwelling units designed for long-term human habitation.

School Type: Schools in the same categories of education: i.e., elementary (grades K-5), middle (grades 6-9), and high schools (grades 9-12).

Student Generation Multipliers: The calculation of the number of students anticipated to be generated by various types of residential development. Separate multipliers should be employed for each type of school.

Total Building Capacity: The sum of all building capacities of all schools of each type within the Durham Public School System.

PROCEDURE

The Durham Public School System and the City/County Planning Department shall be jointly responsible for the implementation of this policy. This shall be accomplished through the Planning Department's review of requests for rezonings in both the City and the County, considering the information provided to the Department by the School System.

In applying this policy, the enrollment of students in all schools of each type throughout the Public School System shall be considered. This countywide evaluation is required as a result of the flexibility the School Board allows with regard to the assignment of students to schools, particularly magnet schools. The distribution of the homes of students attending magnet schools in the 2003-04 school years is shown in Attachments 1 through 8.

The Durham Public School System shall provide the Planning Department with the following information on at least an annual basis:

1. Identification of the total building capacity of all schools of each type with the School System;
2. Identification of the 20th day actual daily enrollment at all schools of each type within the School System;
3. An updated copy of the School System's Capital Improvements Plan; and,
4. Additional information describing the capacity that will be added as a result of any projects for which funding is committed.

The information provided by the School System each year shall be considered the best available information until new information is provided. The current building capacity, 20th day enrollment information, and programmed additions to school capacity is shown in Attachment 9.

When any request for a rezoning is submitted to the Planning Department, the Department shall review the request in light of the ability of the Public School System to accommodate development pursuant to the request. The number of students anticipated to be generated as a result of the requested change in zoning shall be calculated by the

Planning Department, utilizing the most recent student generation multipliers approved by the City, the County, and the School System. The Planning Department shall determine the net change in projected student impacts as a result of the requested change in zoning districts and include that information in all staff reports associated with the requested rezoning.

In addition to considering the number of students projected to be generated by the development, the Planning Department's analysis shall consider the most recent 20th day actual daily enrollment statistic provided by the School System, and the cumulative total change projected as a result of all rezonings approved over the prior three (3) years in order to determine the impact on school facility space (measured by enrollment) anticipated as a result of approval of the change in zoning. Projections that fall beneath the current 20th day actual enrollment figures shall not be considered. Attachment 9 reflects the impact of zoning approvals over the past three (3) years on schools as a result of projected student generation during this period.

The projected cumulative demand as a result of changes in zoning shall then be compared to the maximum total building capacity of all schools of each school type (elementary, middle, high) within the School System. This analysis shall consider the existing maximum building capacity of all schools of each type, as well as any committed increases in capacity as a result of the appropriation of funding for the construction of additional school building capacity shown in the Durham County Capital Improvement Plan, the approval by the voters of a bond issue for the construction of additional school building capacity, or any other funding mechanism that is identified by the Durham Public Schools as being committed to the expansion of physical capacity.

If, as a result of this analysis, the proposed development can be shown to cause the level of service for schools of any type to be exceeded, the Planning Department shall recommend that the resulting project be denied, unless countervailing factors related to the general health, safety, and welfare are present that should be considered by the City Council in their zoning decision have been identified. As an example of the application of this policy, if the Planning Department's analysis shows that a proposed development will cause the school-system enrollment of all elementary schools to exceed the maximum building capacity (120% of total building capacity) for elementary schools, the project shall not be recommended for approval.

Certain projects shall be exempt from application of this policy. For example, a rezoning in which the developer has made a legally binding commitment, either through conditions on a special use permit or proffers on a development plan, that the project will be permanently age-restricted so that children under the age of 18 may not reside on the property, (assuming compliance with City Human Relations ordinances and federal law), may be exempted. Similarly, projects that make a legally binding proffer beyond simple payment of impact fees that sufficiently addresses the impact of a rezoning on school building capacity, including proffers of school sites or construction of school buildings, shall be exempt if the Durham Public Schools have indicated in writing their agreement that the proffer is acceptable.

Comment: It is not clear why decreases cannot also be considered. If they aren't the policy looks arbitrary. In the absence of explaining at length why decreases aren't also considered it is probably just preferable to eliminate the "even if changes may suggest a reduction" language, which seems to highlight the disparity. Thus, this change in wording is suggested.

RECOMMENDATIONS FOR ADDITIONAL WORK

No policy is static. As circumstances change or additional information is gathered, the data and assumptions underlying the policy may change. Accordingly, the following recommendations should be directed as a part of this policy.

1. The Adequate Public School Facility Policy should be reinforced and supported in the Durham Comprehensive Plan. The Policy should be incorporated as part of the Public School Facilities Element of the Comprehensive Plan to ensure that it is regularly evaluated with revisions recommended as conditions change.

SUBJECT: EXCELLENCE BY CHOICE, INC. CONTRACT FOR CITYWIDE TECHNOLOGY ENRICHMENT PROGRAM (CTEP) AT RECREATION CENTERS

Mayor Pro Tempore Cole-McFadden made comments on the contract and the number of contractors working with youth.

MOTION by Council Member Clement seconded by Council Member Catotti to authorize the City Manager to amend the original agreement with Excellence By Choice, Inc., to provide Citywide Enrichment Technology Programming services through January 31, 2005, for compensation not to exceed \$65,000; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement was approved at 11:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: PAVEMENT CONDITION SURVEY – B&F CONSULTING

Steve Hopkins, of 920-B Wadesboro Street, expressed concern with having a survey and hiring a consultant.

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to execute a contract with B&F Consulting to perform a Pavement Condition Survey for the City of Durham in the amount of \$39,900; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by the City Council was approved at 11:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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SUBJECT: RE-ENTRY HIRING PROGRAM

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to receive a presentation on the proposed Re-Entry Hiring Program, a joint venture of the City's Human Resources Department with the Office of Employment and Economic Development, Criminal Justice Resource Center, and JobLink was approved at 11:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: TRIANGLE RESIDENTIAL OPTIONS FOR SUBSTANCE ABUSES (TROSA) – HOME AND 1996 HOUSING BOND FUNDING PROGRAMS FUNDS - Y.E. SMITH ELEMENTARY SCHOOL (SMITH HAVEN PROJECT)

To authorize the City Manager to reallocate \$200,000 in 1996 Housing Bond fund from the James Street project to the Y.E. Smith Elementary School (Smith Haven Project); and

To authorize the City Manager to allocate \$335,000 1996-Housing Bond and \$250,000 HOME Programs funds for a total project amount of \$585,000 in the form of a acquisition and construction loan for Smith Haven project to be developed by Triangle Residential Options for Substance Abuses (TROSA) that are consistent with this agenda item; and

To authorize the City Manager to execute an Acquisition/Construction Loan Agreement for Substance Abuses (TROSA) conditional approval, depending on receipt of an LIHTC allocation and the documentation required for HUD's underwriting requirements; and

To authorize the City Manager to make changes to the contract which do not increase the contract amount, lessen the contractor's duties, or extend the term of the contract beyond the twelve months beyond the execution date.

Earlier in the meeting the City Attorney Blinder noted there is an additional finding that Council should add to this item: To authorize the City Manager to determine and find that funds for this project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions.

MOTION by Council Member Stith seconded by Council Member Clement to authorize the City Manager to reallocate \$200,000 in 1996 Housing Bond fund from the James Street project to the Y.E. Smith Elementary School (Smith Haven Project); and

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To authorize the City Manager to determine and find that funds for the Smith Haven project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions; and

To authorize the City Manager to allocate \$335,000 1996-Housing Bond and \$250,000 HOME Programs funds for a total project amount of \$585,000 in the form of a acquisition and construction loan for Smith Haven project to be developed by Triangle Residential Options for Substance Abuses (TROSA) that are consistent with this agenda item; and

To authorize the City Manager to execute an Acquisition/Construction Loan Agreement and other related legal documents with Triangle Residential Options for Substance Abuses (TROSA) conditional approval, depending on receipt of an LIHTC allocation and the documentation required for HUD's underwriting requirements; and

To authorize the City Manager to make changes to the contract which do not increase the contract amount, lessen the contractor's duties, or extend the term of the contract beyond the twelve months beyond the execution date was approved at 11:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: FAYETTEVILLE ROAD WIDENING

MOTION by Council Member Stith seconded by Council Member Clement to receive an update on the Fayetteville Road Widening was approved at 11:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: UPDATE FROM CITY AUDITOR – REVIEW OF 607 CANAL STREET

MOTION by Council Member Stith seconded by Council Member Clement to receive an update from the City Auditor – Review of 607 Canal Street was approved at 11:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

SUBJECT: CONTRACTS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute contracts on the list; and

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To authorize the City Manager to make changes to contracts on the list before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 11:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Contractor	Contract Description	Dept	CT Amt
Suite 1000	After Hours answering service for Durham One Call	CMO	7,200.00
Gray & Company	Due diligence reports of money managers	Finance	5,000.00
Joseph Polcaro	Official	P&R	1,500.00
Anthony Pough	Umpire	P&R	1,200.00
Chris Garrett	Maintenance DAP	P&R	6,000.00
Prashant Ashwanikumar	Baseball/DAP	P&R	3,000.00
Ben Weber	Lifeguard trainer CT amendment Adding additional funds	P&R	1,000.00
Chris Ross	Youth Judo	P&R	2,200.00
Melissa Teers	Official	P&R	1,400.00
Blue Mountain Catering	Food for 50th Anniversary Commemoration of Brown vs. Board of Education	Human Relations	1,250.00

SUBJECT: PROPOSED AMENDMENTS TO THE LICENSE AND PRIVILEGE TAX ORDINANCE

Mayor Bell made comments noting he would like to make a decision on this item during the budget deliberations.

Council Member Stith made comments on the impact this item will have on small businesses.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole McFadden to adopt an ordinance entitled "An Ordinance Rewriting the Provisions of Article VI, Appendix A of the Durham City Code Pertaining to License and Privilege Taxes" **FAILED** at 11:46 p.m. by the following vote: Ayes: Council Members Brown and Catotti. Noes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Clement and Stith. Absent: None.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

May 3, 2004

**SUBJECT: ZONING ORDINANCE TEXT CHANGE [TC03-13] – SIGN
STANDARDS IN THE DOWNTOWN DESIGN OVERLAY AND
GENERAL SIGN STANDARDS**

To adopt the Zoning Ordinance Text Change Ordinance [case TC03-13] Amending the Zoning Ordinance.

City/County Planning Director Frank Duke briefed Council on the staff report. He noted University Ford has been issued a notice of violation that their existing sign does violate the height requirements and they requested an ordinance amendment. He noted staff is recommending denial based on the equity issue and Zoning Committee recommended denial.

Mayor Bell opened the public hearing.

Patrick Byker, representing University Ford, spoke in support of plan amendment. He made comments on the right-of-way between the Durham Freeway, the American Tobacco campus and the University Ford site and requested a deferral to allow City staff to move forward with a plan, budget and schedule for cleaning out the right-of-way along the north side of Durham Freeway from the ballpark through the Duke Street off ramp along with a mechanism in place for the maintenance of that ROW which could allow University Ford to move forward with installing a sign that would meet the current requirements and specifications of the sign ordinance.

Council held discussion on maintenance of the right-of-way.

City Manager Conner noted this is a state highway maintenance issue; however, General Services has agreed to take it over and place it on the regular maintenance list.

Bill Anderson, of 113 W. Markham Avenue, spoke in opposition to this item. He made comments on illegal signs from Durham businesses and noted University Ford has shown little respect for the temporary signage laws urging Council to not show this business any special recommendation.

Barry Allen, representing Institutional History, urged Council to not change the ordinance. He urged University Ford to withdraw its request and Council to instruct the Planning Department to defer enforcement of the present sign ordinance until 90 days after the question of the underbrush is resolved and that they would have a sign that is in compliance.

Dale McKeel, of 3559 Hamstead Court, expressed concern that the proposed change to the ordinance would set precedence.

City/County Planning Director Frank Duke noted it would be appropriate to defer this request to a date certain and not have the applicant withdraw the request.

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City Manager Conner noted staff will bring a recommendation to the May 20, 2004 City Council Work Session.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to continue the public hearing to the June 7, 2004 City Council Meeting to allow staff to bring back a recommendation was approved at 12:08 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Clement and Stith. Noes: Council Member Catotti. Absent: None.

SUBJECT: REZONING MATTER CASE P04-10 – LIGGETT AND MYERS – BLUE DEVIL VENTURES, LLC – 601, 605, 700, 701, 410 W. MAIN STREET AND 605, 609 W. MORGAN STREET

To receive public comment on rezoning Case P04-10 (Liggett and Myers); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-10 out of I-2 and placing same in and establishing same as CBD.

Planning Department Recommendation: Approval

Zoning Committee Recommendation and Vote: Approval - (5-0)

City/County Planning Director Frank Duke briefed Council on the staff report.

Mayor Bell opened the public hearing.

Proponents

Attorney Kenneth Spaulding, representing the applicant, spoke in support of this rezoning request urging Council to support staff's recommendation of approval.

George Stanziale, representing the applicant, made comments in support of this item commenting on the Downtown Master Plan.

No one spoke in opposition to this rezoning.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Catotti to receive public comment on rezoning Case P04-10 (Liggett and Myers); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-10 out of I-2 and placing same in and establishing same as CBD was approved at 12:15 a.m. by the

May 3, 2004

following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: REZONING MATTER CASE P04-06 - HOPE VI/BLACKNALL AND GOLEY STREETS – THE COMMUNITY BUILDERS, INC. BLACKNALL – ANGIER AVENUE AND 1504 E. MAIN AND 107 S. GOLEY STREETS

To receive public comment on rezoning Case P04-06 (Hope VI/Blacknall and Goley Streets); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-06 out of CT and R-3 and placing same in and establishing same as RM-20.

Planning Department Recommendation: Approval

Zoning Committee Recommendation and Vote: Approval - (5-0)

City/County Planning Director Frank Duke briefed Council on the staff report.

Mayor Bell opened the public hearing.

Proponent

Attorney Kenneth Spaulding, representing the applicant, spoke in support of this item.

No one spoke in opposition to this rezoning request.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Stith seconded by Council Member Catotti to receive public comment on rezoning Case P04-06 (Hope VI/Blacknall and Goley Streets); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-06 out of CT and R-3 and placing same in and establishing same as RM-20 was approved at 12:18 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: REZONING MATTER CASE P04-07 – ROXBORO ROAD PROFESSIONAL CENTER – THE JOHN R. MCADAMS, COMPANY, INC. – EAST SIDE OF N. ROXBORO ROAD BETWEEN DENFIELD STREET AND FAIRFIELD ROAD

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To receive public comment on rezoning Case P04-07 (Roxboro Road Professional Center); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-07 out of OI-2 and placing same in and establishing same as GC(D) and OI-2(D). [

Planning Department Recommendation: Approval

Zoning Committee Recommendation and Vote: Approval - (5-0)

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing.

Proponent

Kevin Hamak, representing the applicant, spoke in support of this item.

No one spoke in opposition to this rezoning request.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive public comment on rezoning Case P04-07 (Roxboro Road Professional Center); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-07 out of OI-2 and placing same in and establishing same as GC(D) and OI-2(D) was approved at 12:21 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: REZONING MATTER CASE P03-37 – HIGHLAND PARK – SUN
FOREST SYSTEMS – TERRY ROAD WEST OF GUESS ROAD**

To receive public comment on rezoning Case P03-37(Highland Park); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-37 out of RD; E-B and placing same in and establishing same as PDR-2.50.

Planning Department Recommendation: Approval

Zoning Committee Recommendation and Vote: Denial - (4-3)

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City/County Planning Director Frank Duke briefed Council on the staff report. He discussed committed elements outlined on page 2 of staff report, noted proposal is consistent with Lebanon Township Plan, staff is recommending approval and the Zoning Committee recommended denial based on environmental issues.

Mayor Bell opened the public hearing.

Proponents

Attorney Kenneth Spaulding, representing the applicant, spoke in support of this rezoning request. He noted the applicant is paying for water and sewer extensions to the area and urged Council to support this proposal.

Keith Brown, applicant, spoke in favor of this item commenting on off-site improvements, noted all lots have been moved out of the stream buffer and floodplain and that there will be no grading of overall topography.

John Pickens, of 1222 Terry Road, spoke in support of this rezoning matter and noted the applicant had addressed all concerns.

Linda Ellis, of 1214 Terry Road, spoke in support of this item noting this will bring the whole community together.

Rev. Mike Wynn, of 4222 Bluffs Lane, spoke in favor of this item noting this development will assist the church, which is in floodplain.

Carl Hicks, of 5930 Scalybark Road, urged Council to support this project since he is experiencing water problems.

Carole Belcher, of 5722 Guess Road, expressed support for this project noting the neighborhood would get needed improvements and the Terry Road entrance will be greatly enhanced.

Opponents

Rena Tarlton, of Scalybark Road, left comments in opposition for the record.

Dana Lesson, of 1506 Cotherstone Drive, spoke in opposition to this rezoning expressing concern with the lot size. He urged Council to keep the present zoning.

Terry Alston, of 5836 Scalybark Road, spoke in opposition to this rezoning request. He expressed concern with there being too much density for the type of land and the trespassing issue relative to trails.

Rebuttal

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Attorney Kenneth Spaulding, representing the applicant, made comments on the zoning, density and noted this proposal would be a public benefit to the community.

Keith Brown, applicant, made comments on the density issue.

Council Member Catotti made comments on the handout provided to Council. She noted there are items listed that are not reflected as committed elements: no grading will be done to change overall topography and tree protection fences will be placed on each lot.

Keith Brown, the applicant, noted he will add them as committed elements.

Council Member Catotti made comments on the maximum units/lot size and school impacts.

Council Member Brown spoke in support of this item.

Mayor Bell declared the public hearing closed.

Planning Director Frank Duke noted the applicant has committed to tree protection fences which will be placed on each lot and no grading done to change the overall topography.

Keith Brown, the applicant, agreed to adding both items as a committed element.

MOTION by Council Member Stith seconded by Council Member Best to receive public comment on rezoning Case P03-37 (Highland Park); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-37 out of RD; E-B and placing same in and establishing same as PDR-2.50 was approved at 12:56 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: REZONING P04-03 – ED COOK ROAD LAB – CONNOR
PROPERTIES, LLC NORTHWEST CORNER OF ED COOK
ROAD AND SO-HI DRIVE -**

To receive public comment on rezoning Case P04-03 (Ed Cook Road Lab); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-03 out of RD; F/J-B and placing same in and establishing same as I-2(D).

Planning Department Recommendation: Approval

Zoning Committee Recommendation and Vote: Approval - (4-1)

May 3, 2004

City/County Planning Director Frank Duke briefed Council on the staff report.

Mayor Bell opened the public hearing.

Proponent

Edmund Gontram, representing the applicant, spoke in support of this rezoning.

No one spoke in opposition to this rezoning request.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Stith seconded by Council Member Catotti to receive public comment on rezoning Case P04-03 (Ed Cook Road Lab); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-03 out of RD; F/J-B and placing same in and establishing same as I-2(D) was approved at 1:00 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: MAJOR SPECIAL USE PERMIT M03-07 – DURHAM COUNTY
NORTH BRANCH LIBRARY – COUNTY OF DURHAM – WEST
SIDE OF MILTON ROAD, ADJACENT TO THE ENTRANCE TO
CARRINGTON MIDDLE SCHOOL**

To hold a quasi-judicial public hearing to consider a Major Special Use Permit for the construction of the Durham County North Branch Library in the RD District; and

To direct the Planning Director to prepare an order for adoption, for 1) approval, 2) approval with conditions or 3) denial, or to continue the hearing to a specified later meeting. (A draft order for approval with staff-recommended conditions will be available at the meeting).

City Clerk D. Ann Gray swore in the following individuals: Frank Duke, Michael Stock, Dan Jewell and Philip Cherry, III.

Mayor Bell explained the proceedings for a major special use permit.

The Mayor asked Council to reveal any possible conflicts and to withdraw from this hearing if necessary. Also, Mayor Bell asked if any Council Member had been exposed to any evidence or information that may not come out at the hearing tonight.

Mayor Bell asked the attorney for the applicant and for opponents or a representative to identify themselves.

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Mayor Bell opened the public hearing.

Testimony from Staff

Michael Stock, of the City/County Planning Department, requested that the staff report and all attachments and exhibits be entered as a part of the permanent record. He noted Coulter Jewell Thames, PA, on behalf of Durham County, proposes the construction of the Durham County North Branch Library. This project is located adjacent to the entrance to Carrington Middle School, on the west side of Milton Road. He noted that proposed structure will be 25,000 square feet and one story high. Mr. Stock noted the project proposes to employ shared off-site stormwater controls, utilizing property owned by Durham Public Schools and parking has been determined adequate by the Development Review Board, which recommended approval of the site plan on February 20, 2004.

Mr. Stock noted Council must make findings of fact under Section 13.2.3 of the Durham Zoning Ordinance that the proposed use is: 1) In harmony with the area and not substantially injurious to the value of properties in the general vicinity; 2) In conformance with all special requirements applicable to the use and in conformance with the Supplementary Requirements Section of this Ordinance; 3) Will not adversely affect the health or safety of the public and that staff will provide a recommendation to the Council at the conclusion of testimony for this case.

The Mayor asked if there were questions for staff. There were no questions.

Testimony from Applicants

Dan Jewell, representing the applicant, made comments on the three findings of fact that Council must make. He noted the location of this library will allow the residents of northern Durham County to reduce the travel time necessary to patronize the public library and will contribute to the educational interests of the residents.

Philip Cherry, III, Durham County Library Director, made comments on why the library is needed at this location.

The Mayor asked if there were questions for the applicant. There were no questions.

No one spoke in opposition to this request.

Staff Recommendation

Michael Stock, of the Planning Department, noted based upon the technical requirements of the Durham Zoning Ordinance, staff recommends approval subject to the following condition: The project shall be completed in accordance with the approved site plan, including any additional corrections and verifications.

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Mayor Bell declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Stith to adopt an order granting, upon certain conditions, a Major Special Use Permit for Durham County North Branch Library Case M03-07 was approved at 1:09 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #12938

SUBJECT: MAJOR SITE PLAN – DURHAM COUNTY NORTH BRANCH LIBRARY - D03-612 - COUNTY OF DURHAM – COULTER, JEWELL, THAMES, P.A.

MOTION by Council Member Clement seconded by Council Member Best to approve a major site plan for a proposed one-story, 25,000 square foot, 24 foot high library, with 122 motor vehicle parking spaces, including five handicapped spaces, one van and six bicycle spaces on a 5.0 acre site, zoned RD and E-B was approved at 1:10 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

[SUPPLEMENTAL ITEM]

SUBJECT: MODIFICATION TO THE MEMORANDUM OF AGREEMENT – CITY OF DURHAM – N C DEPARTMENT OF CRIME CONTROL, DIVISION OF EMERGENCY MANAGEMENT

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manger to execute the Modification to the Memorandum of Agreement between the North Carolina Department of Crime Control, Division of Emergency Management and The City of Durham was approved at 1:10 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

There being no further business to come before the City Council, the meeting was adjourned at 1:10 a.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk